

**RECOMMENDING COMMITTEE AGENDA**  
**RECOMMENDING COMMITTEE MEETING OF: OCTOBER 18, 2005**

**- CALL TO ORDER**

**MINUTES:**

PRESENT: COUNCILMEMBERS BROWN and ROSS

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER

**- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW**

**MINUTES:**

ANNOUNCEMENT MADE - meeting noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(4:06)

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**AGENDA SUMMARY PAGE****RECOMMENDING COMMITTEE MEETING OF: OCTOBER 18, 2005**

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**DEPARTMENT: CITY ATTORNEY****DIRECTOR: BRADFORD R. JERBIC**☐ **CONSENT**    ☒ **DISCUSSION****SUBJECT:**

NEW BILL:

Bill No. 2005-58 - Establishes new criteria for determining ambulance response time compliance, increases fees chargeable for ambulance services and loaded mileage, and permits annual fee increases based on the Consumer Price Index. Proposed by: Mark Vincent, Director of Finance and Business Services

**Fiscal Impact:**☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

Currently, emergency ambulance service franchisees are required to respond to each level of emergency medical service priority dispatched calls within the prescribed time for each level (B, C, D, and E levels) 90% of the time each calendar month. This bill proposes that the 90% compliance be based on the response time for the combined total of B, C, D, and E level calls each calendar month. This bill also proposes a 17.53% increase in allowable ambulance service fees and a loaded mileage fee increase of 68%. Ambulance service fees and loaded mileage fees may be adjusted annually commensurately with changes in the Consumer Price Index for Medical Care Services. The loaded mileage fee increase is proposed in view of increased fuel costs and the marked rise in patient drop times at hospitals, while the ambulance service fee increase will cover the other operational costs of emergency ambulance services.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2005-58
2. Submitted at meeting: Business Impact Statement

**MOTION:**

**COUNCILMAN ROSS recommended Bill 2005-58 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN BROWN concurred.**

**MINUTES:**

COUNCILMAN BROWN declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, stated that in addition to the bill, there is some overlap into the franchise agreements that will be on the November 2, 2005, City Council agenda. Consequently, his overview might touch on some matters included in the franchise agreement. Staff's intent, through this bill, is to get a better handle on truer response times, stiffen the penalties somewhat, recognizing that there is an issue with hospital drop times, and, as part of the franchise agreement, allow a credit for every instance where the hospital drop time exceeds 30 minutes. The credit could be used towards the overall 90 percent threshold penalty.

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Another issue that needed to be dealt with is the cost of the rates, both transport rates and loaded mileage rates. As a matter of background, he indicated the current ordinance limits franchise agreements to five-year intervals. Under the last two 5-year agreements, the Consumer Price Index (CPI) increase on the transport fees was limited to the CPI for all different consumers for all items, which was running about 2.2 percent for that ten-year period. During that agreement period, American Medical Response (AMR) was allowed to elect to limit its transport fee increases to 80 percent, as well as 80 percent for CPI-U. But there is a better measure for the cost of services for the ambulance franchise, and that is the CPI for Medical Care Services (MCS). The CPI for MCS for the ten-year average was about 4.3 percent.

In comparing the two CPIs for the past five years of the current agreement, staff found that there was an approximate 14 percent differential. In addition, staff recognizes that the Medicare reimbursement rate for ALS transports was reduced about nine percentage points from 2001, so credit was given for that, which amounted to an approximate 17.53 percent increase in transport rates. Moreover, a 68 percent increase was agreed to in the loaded mileage rate, in consideration of the high cost of fuel, the cost of maintenance, operation, and registration of the vehicles, and the increase in drop times, which includes staffing issues and availability of vehicles.

MR. VINCENT then went over the ordinance changes; some of which include definition changes in order to be in compliance with 42 CFR (Code of Federal Regulations). The CPI-MCS definition replaces the CPI-U definition. The mutual aid definition for non-emergency ambulance provisions is being updated. A requirement for a Global Positioning System in vehicles was added. On Page 10, new language allows the franchise agreement to set the length of the term. Pages 12-15 includes new language allowing the franchise agreement to set the response times for level A (19:59) and level B (12:59) and then levels C, D, and E (8:59 combined). The penalties across the board increased roughly by about \$1. An additional penalty of \$100 is being added for excessive delays of 14:59 on the C, D, and E level calls.

With respect to overall compliance, a monthly compliance standard is being added, requiring the franchisee to be compliant on calls at least 90 percent of the time. In the past, the 90 percent response was set on an individual level of service. Even though the penalties may be stiffer, compliance will be easier, especially with the City being split into two zones. The penalties will be spelled out in the franchise agreement. Less than 75 percent compliance will carry a monthly penalty of \$10,000.

Pages 18 and 20 spell out the rate increases, and they are rounded to the nearest dollar but are driven by the 17.53 percent increase from the existing rates in order to compensate for the historical difference in the two CPI indexes. Pages 24 to 25 include language allowing the franchisee to submit the compliance reports and any other data that might be important to substantiate compliance. Page 25 adds language for the "protected health information" for the HIPAA act.

DEPUTY CITY ATTORNEY LARRY BETTIS, stated that, pursuant to State law, comments were solicited by affected businesses concerning this proposed ordinance. Legal notice was published in the Review Journal, and mailings were sent out to 19 different trade associations representing self-insured businesses and five Nevada health insurers. Two comments were received, one from the PacificCare Health Systems and another from SIEU Local 1107. A Business Impact Statement has been prepared, a

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**MINUTES - Continued:**

copy of which he submitted.

KURT WILLIAMS, American Medical Response, and JOHN WILSON, Executive Partner, MedicWest Ambulance, thanked staff for working diligently with the industry on this for over a year. They believe this is a good ordinance that will fit the needs of the citizens. COUNCILMAN BROWN thanked the industry for its cooperativeness.

COUNCILMAN ROSS clarified that the Committee's recommendation is solely on the proposed bill changes, not the franchise agreement.

No one appeared in opposition.

COUNCILMAN BROWN declared the Public Hearing closed.

(4:06 - 4:21)

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ **CONSENT**    ☒ **DISCUSSION**

**SUBJECT:**

**NEW BILL:**

Bill No. 2005-59 - Specifies the circumstances under which the display of a vehicle for sale on certain residential property may be considered an accessory use. Sponsored by: Councilman Gary Reese

**Fiscal Impact:**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

This bill will specify the circumstances under which the display of a vehicle for sale on single-family residential property may be considered an accessory use. Current practice is to allow, as an accessory use, up to two vehicles per year to be displayed for sale on a single-family lot. This bill will formalize that limitation, and establish other limitations designed to ensure that any such activity does not have a negative impact on surrounding properties.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2005-59

**MOTION:**

**COUNCILMAN ROSS recommended Bill 2005-59 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN BROWN concurred.**

**MINUTES:**

COUNCILMAN BROWN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED explained that the Neighborhood Services Department staff has been asked to monitor residents who excessively use their residential property for displaying vehicles for sale. Informally, this practice has been handled under the yard sale rules of the zoning code, which allows two yards sales a year. However, since the language does not fit, COUNCILMAN REESE requested the code include language specific to vehicle sales, as well as other criteria. Thus, the following requirements are being added: a vehicle has to be owned by or registered to someone who is occupying or owning the real property; a vehicle must be displayed on an improved parking surface; a vehicle cannot be sold in connection with an auto sales business; the vehicle identification number must be visible, if the vehicle was manufactured to make it visible from the outside; no more than one vehicle can be parked on a lot for purposes of display and sale at any one time; and only two vehicles may be displayed for sale within a 12-month period. Staff recommends approval.

COUNCILMAN BROWN asked whether the bill addresses operable and inoperable vehicles. CHIEF DEPUTY CITY ATTORNEY STEED responded that it does not. There are other rules in place that

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**MINUTES - Continued:**

address inoperable vehicles. There might be some overlap, because a vehicle may be inoperable when being displayed for sale, in which case both provisions of the code would apply.

COUNCILMAN BROWN asked if this bill would restrict vehicles being driven with for-sale signs in the windows. CHIEF DEPUTY CITY ATTORNEY STEED opined that it would address those vehicles only while parked on residential property. But the ordinance does not distinguish whether or not the vehicle is being driven. COUNCILMAN BROWN noted that Neighborhood Services staff would have the discretion. CHIEF DEPUTY CITY ATTORNEY STEED conceded that there will be enforcement issues, as in the past, and enforcement will probably be complaint driven. Changes to the ordinance will be made if necessary.

No one appeared in opposition.

COUNCILMAN BROWN declared the public hearing closed.

(4:21 - 4:24)

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ **CONSENT**

☒ **DISCUSSION**

**SUBJECT:**

**NEW BILL:**

Bill No. 2005-60 - Revises the provisions governing abandoned vehicles on certain types of private property. Sponsored by: Councilman Gary Reese

**Fiscal Impact:**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The Municipal Code contains prohibitions regarding abandoned vehicles, including inoperable vehicles parked in certain parking lots for more than 30 days. This bill shortens the 30-day period to 7 days and clarifies which parking lots are the subject of the prohibition. In addition, the bill allows for the removal of vehicles that 1) are parked on private property to which the public has access, and 2) have been damaged or are in such a state of disrepair as to constitute a hazard.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2005-60
2. Business Impact Statement

**MOTION:**

**COUNCILMAN ROSS recommended Bill 2005-60 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN BROWN concurred.**

**MINUTES:**

COUNCILMAN BROWN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated this is a cleanup bill. Currently, it is unlawful to abandon a vehicle on public/private property, or to leave a vehicle in a parking lot of a multi-family residential development for more than 30 days if the vehicle is inoperable and visible from public property. COUNCILMAN REESE requested the code specifically indicate that public property includes a street or alley, and to reduce the thirty-day period to seven consecutive days. There is a parallel change made in the nuisance chapter that deals with the same issue, as well as an additional limitation on parking a vehicle on private property to which the public has access; for example, a vehicle on a private parking lot that is in a state of disrepair and constitutes a human hazard can be towed away.

COUNCILMAN ROSS stated that the efforts of COUNCILMAN REESE to cleanup the City are well intended.

NOTE: Under Item 4, CHIEF DEPUTY CITY ATTORNEY STEED pointed out that a Business Impact

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**MINUTES - Continued:**

Statement is attached for this item. See Item 4 for additional related discussion.

COUNCILMAN BROWN declared the public hearing closed.

(4:24 - 4:27)

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ **CONSENT**    ☒ **DISCUSSION**

**SUBJECT:**

**NEW BILL:**

Bill No. 2005-61 - Includes unoccupied lots in the general prohibition on the display or sale of motor vehicles on parking lots and vacant lots. Sponsored by: Councilman Gary Reese

**Fiscal Impact:**

☒

**No Impact**

**Amount:**

☐

**Budget Funds Available**

**Dept./Division:**

☐

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The Municipal Code generally prohibits the display or sale of motor vehicles on parking lots and vacant lots. This bill will include within that general prohibition the sale or display of vehicles on lots that are developed but are currently unoccupied.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2005-61
2. Business Impact Statement

**MOTION:**

**COUNCILMAN ROSS recommended Bill 2005-61 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN BROWN concurred.**

**MINUTES:**

COUNCILMAN BROWN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED remarked that this is another cleanup bill. A Business Impact Statement for Items 3 and 4 is attached. Since there was no one to mail notices to, staff speculated about how this bill might impact businesses; however, there is no impact for Bill 2005-60 or 2005-61.

He continued and stated that there is a current prohibition on the display or sale of vehicles on parking lots or vacant lots, with a few exceptions. But, apparently, there have been circumstances where an unoccupied property has been used as a sales lot without the permission of the property owner. Staff recommends approval.

COUNCILMAN BROWN declared the Public Hearing closed.

(4:27 - 4:28)

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CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

**MINUTES:**

None.

(4:28)

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THE MEETING ADJOURNED AT 4:28 P.M.

Respectfully submitted:

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Gabriela Portillo-Brenner, Deputy City Clerk  
October 21, 2005